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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/893,424      | 06/29/2001  | Preston J. Hunt      | P 0297168 P11163    | 5293             |

27496 7590 09/22/2005

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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT PAPER NUMBER

2143

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |   |   |  |
|------------------------------|---|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/893,424      | <b>Applicant(s)</b><br>HUNT, PRESTON J. |  |
|                              | <b>Examiner</b><br>Bunjoo Jaroenchonwanit | <b>Art Unit</b><br>2143                 |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10,12-23,25,26,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-23,25,26,28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/05 has been entered.
2. Applicant's arguments filed 8/15/05 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. Claims 26, 28 and 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 26, 28 and 29 are not limited to tangible embodiment. In view of Applicant's disclosure, specification, ¶11, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., magnetic tape or disk, optical disk, memory) and intangible embodiments (e.g., carrier wave). As such, the claims are not limited to statutory subject matter and are therefore non-statutory.
5. Claims 1, 3-10, 12-23, 25-26 and 28-29 are pending for examination. Newly rejection are as stated below.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2143

7. Claims 11, 3-10, 12-23, 25, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods et al (US 2002/0087692, "Woods," hereafter) and Dutta et al (US 2002/0122053, "Dutta," hereafter).

8. Regarding claims 1, 3, 6-8, 10, 16-18, 20, 22-24 and 26-29, Woods discloses a method and apparatus for accessing web site via intervening control layer, which comprising, insertion of intervening layer, i.e., monitoring layer between Winsock and TCP stack. The intervening layer intercepts, e.g., capturing, extracting, URL form traffic; determining whether the URL is in predetermined category in a database or URL cache, as permissible content. Determining whether URL, is permissible would require content determination concept, (Fig 2-200; paragraph 9-10). The aforementioned implied teaching of monitoring network traffic by a network interface; filtering network address. Woods discloses web address is categorized based on content (paragraph 25). Further, claims' language required a categorizing mechanism, i.e., intervening or monitoring layer 212, Fig. 2(a); categorizes an extracted web address, i.e., URL is intercepted from traffic by the monitoring layer and store in database or cache. Woods teaches categorizing is based on content of a web page associated with the web address, by correlated URL with predetermined content, which represents by the referenced address, in the database or cache. Examiner recognized that applicant's teaching in the specification might be different from Woods's teaching but claim's language that must be addressed (*In re Hiniker Co.*, 47 USPQ2d 1523 1529 (Fed. Cir. 12998). Woods teaches the web content that determined unsuitable is referenced and store in either URL cache or database in a server, is clearly represent categorizing URL base on web content Woods' paragraph 3 teaches unsuitable content that must be prevent from user(s). Paragraph 5, teaches deficiency of the prior system, paragraph 7, teaches basic

Art Unit: 2143

machismo, particular intervening layer or monitoring mechanism, which is so called “categorizing mechanism”. Paragraphs 9-10 teach URL is being intercepted, i.e., extracted, from traffic. Paragraph 22, teaches content is referenced by URL. Paragraph 24 teaches the system includes intervening layer intercepts the URL to determine whether the content at the URL is permissible.

Woods, nevertheless, does not explicitly disclose, assessing or detecting content by scanning metatags.

However, using metatags for identifying content of webs page or web site, is not new. For example, in the same field of endeavor, Dutta discloses a process of identifying web content by parsing metatags (see Dutta Fig. 4-6, ¶44). From this process, without browsing thought the whole page Dutta then is capable of capturing a specific content keyword form the web page, which clearly minimizes time consuming in browsing to the whole page.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate an inventive concept taught by Dutta with Woods to gain advantage of reducing categorization processing time. Furthermore, the expectation of success is very high because they both involve with mark up language, which is a source code of web page and the metatags is a common feature of mark up language, which is created for the propose of identifying content. Therefore, modification Woods with Dutta would be a simple modification.

9. Regarding claim 4, Woods-Dutta teaches user review web address and restricts a second user from surfing the site (paragraph 25 clearly teaches determining the restriction imposed on any number of users).

Art Unit: 2143

10. Regarding claims 5, 13-15, 19, 21, Woods-Dutta discloses the invention substantially, as claimed, as described in claim 1, but does explicitly state, type of network and network devices, such as any one an Internet tablet, a palm computing device, a cell phone, and a TV-based Internet device, Intranet, wireless or Home network. Official Notice is taken (see MPEP 2144.03) any or all of the aforementioned device was well known and widely used the same application in the art at the time of the invention was made. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the devices which nearly recognized as a standard of increasing mobility in the Internet Environment. Because not including such devices therein, would generate negative impact for in market process of the final product.

11. Regarding claim 9, Woods-Dutta discloses the invention substantially, as claimed, as described, including, but it is silent to displaying web addresses is a drop-down menu. Official Notice is taken (see MPEP 2144.03) implementation of drop down menu containing web addresses was well known and widely used in the art. For instance, in every conventional browser, e.g., Netscape, Internet explorer, such concept is used for Book-Marking web site and later presenting in drop down menu to eliminate, user from, remembering web site addresses, which is a simplistic and convenience way in web navigational. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the convention inventive concept of drop down menu, including web addresses, with any system that dealing web navigation in order to simplify navigation over the Internet.

12. Regarding claim 12, Woods-Dutta discloses the invention substantially, as claimed, as described in claim 10 but Woods is silent to an ability of having user enable monitoring.

Art Unit: 2143

However changing automatically process to manually process would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a matter of choice.

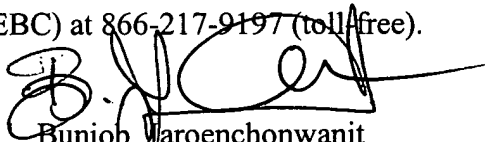
Furthermore, the court held that broadly providing an automatic or mechanical means to replace a manual activity, which accomplished the same result, is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). (See MPEP 2144.04.III).

13. Regarding claim 25, Woods-Dutta discloses a software agent on a client (Fig 2D).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

  
Bunjob Jaroenchonwanit  
Primary Examiner  
Art Unit 2143

/bj  
09/14/05